

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE: NEW ENGLAND)
COMPOUNDING PHARMACY, INC.)
PRODUCTS LIABILITY LITIGATION)
) **MDL No. 1:13-md-2419**
) **Judge Rya Zobel**
This Document Relates to:)
) **All Actions Against The Saint Thomas**)
Entities and Saint Thomas Outpatient)
Neurosurgical Center, LLC)

**PLAINTIFFS' STEERING COMMITTEE'S OPPOSITION TO EMERGENCY MOTION
TO COMPEL SUPPLEMENTATION OF PLAINTIFFS' STEERING COMMITTEE'S
RULE 26 EXPERT REPORTS [Dkt. No. 2557]**

The Plaintiffs’ Steering Committee (“PSC”) files this Opposition to the Emergency Motion to Compel Supplementation of Plaintiffs’ Steering Committee’s Rule 26 Expert Reports. Although the PSC disagrees that its original expert reports were in any way deficient, to obviate the need to have this issue presented to the Court, the PSC agreed (prior to the filing of the “emergency” motion) to provide supplementation of reports and agreed to do so by January 11, 2015. Notwithstanding this representation, the Saint Thomas Neurosurgical Defendants felt compelled to file an unnecessary emergency motion to compel the PSC to do what it had already agreed to do (as made clear by their own filing).¹

The PSC first supplemented its responses on January 8, 2015 and completed the supplementation on January 13, 2015. The Motion was utterly unnecessary, frivolous, and now, mooted.

¹ Dkt. No. 2558-1 (Email from PSC agreeing to provide supplementation).

Date: January 13, 2016

Respectfully submitted:

/s/ Benjamin A. Gastel

J. Gerard Stranch, IV
Benjamin A. Gastel
Anthony A. Orlandi
BRANSTETTER, STRANCH &
JENNINGS, PLLC
223 Rosa L. Parks Ave., Suite 200
Nashville, TN 37203
Telephone: 615/254-8801
Facsimile: 615/255-5419
gerards@bsjfirm.com
beng@bsjfirm.com
aorlandi@bsjfirm.com

Plaintiffs' Steering Committee and TN Chair

Thomas M. Sobol
Kristen Johnson Parker
HAGENS BERMAN SOBOL SHAPIRO, LLP
55 Cambridge Parkway, Suite 301
Cambridge, MA 02142
Telephone: 617/482-3700
Facsimile: 617/482-3003
tom@hbsslaw.com
kristenjp@hbsslaw.com

Plaintiffs' Lead Counsel

Annika K. Martin
Mark P. Chalos
LIEFF CABRASER, HEIMANN & BERNSTEIN, LLP
250 Hudson Street, 8th Floor
New York, NY 10013
Telephone: 212/355-9500
Facsimile: 212/355-9592
akmartin@lchb.com
mchalos@lchb.com

Federal/State Liaison

Marc E. Lipton
LIPTON LAW
18930 W. 10 Mile Road

Southfield, MI 48075
Telephone: 248/557-1688
Facsimile: 248/557-6344
marc@liptonlaw.com

Kimberly A. Dougherty
JANET, JENNER & SUGGS, LLC
31 St. James Avenue, Suite 365
Boston, MA 02116
Telephone: 617/933-1265
kdougherty@myadvocates.com

Mark Zamora
ZAMORA FIRM
6 Concourse Parkway, 22nd Floor
Atlanta, GA 30328
Telephone: 404/451-7781
Facsimile: 404/506-9223
mark@markzamora.com

Patrick T. Fennell (VSB 40393)
CRANDALL & KATT
366 Elm Avenue, S.W.
Roanoke, VA 24016
Telephone: 540/342-2000
Facsimile: 540/400-0616
pfennell@crandalllaw.com

Plaintiffs' Steering Committee

CERTIFICATE OF SERVICE

I, Benjamin A. Gastel, hereby certify that I caused a copy of the foregoing document to be filed electronically via the Court's electronic filing system. Those attorneys who are registered with the Court's electronic filing system may access these filings through the Court's system, and notice of these filings will be sent to these parties by operation of the Court's electronic filing system.

Date: January 13, 2016

/s/ Benjamin A. Gastel
Benjamin A. Gastel